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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1994

LATVIA

[25 November 1998]

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I. INTRODUCTION

1. The Republic of Latvia submits its initial report on the Convention on the Rights of the Child (the Convention) in accordance with the Article 44.

2. The report was prepared by the working group, including experts from the Ministry of Welfare, Ministry of Justice, Ministry of Education and Science, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Culture, Ministry of Environment Protection and Regional Development, Ministry of Economy, State Statistics Committee, State Coroner's Medical Inquest Centre, National AIDS Centre and other public organisations such as National Human Rights Office, Organisation "Save the Children" and Latvian Children's Fund.

Background information about Latvia

3. Latvia is a parliamentary democracy, having regained its independence in 1991. The Declaration of the Supreme Council of the Latvian SSR "On the Renewal of the Independence of the Republic of Latvia" of 4 May 1990 stated that *"the independent State of Latvia, founded on 18 November 1918, was granted international recognition in 1920, and became a member of the League of Nations in 1921"*.

4. The right to self-determination of the people of Latvia was expressed in April 1920 when the people of Latvia gave their mandate to the Constitutional Assembly chosen by universal, equal, direct and proportional elections. In February 1922 the Assembly adopted the Constitution of the Republic of Latvia (*Satversme*).

5. The ultimatum of 16 June 1940 from the Stalinist government of the Soviet Union to the Latvian Government, asking for its resignation, and the ensuing military aggression, resulted in the occupation of Latvia. The elections of 14 and 15 July 1940 to the Parliament (*Saeima*) of occupied Latvia were held under conditions of political terror after an illegal and unconstitutional election law had been adopted. Of the 17 lists of candidates submitted, only one was permitted in the elections - the list of the Working People's Bloc. The pre-election platform of the bloc did not include any demand to establish Soviet power in Latvia or to join the Soviet union. The results of the elections were falsified. The illegally and fraudulently formed Parliament did not represent the will of the Latvian people. It had no constitutional powers to change the system of government and bring an end to the sovereignty of Latvia. Only the people had the right to decide these matters, but no referendum was held.

6. Hence the incorporation of Latvia on 5 August 1940 into the Soviet Union is considered to be invalid in accordance with international law. The will of the residents of Latvia was unmistakably expressed by the election to the Latvian Supreme Council in 1990 of a majority of deputies who had expressed a determination to restore the independence of the Republic of Latvia.

7. Being determined to restore *de facto* the free, democratic and independent Republic of Latvia, the Supreme Council of the Latvian SSR on 4 May 1990 decided to recognise the supremacy of the fundamental principles of international law over national law and to declare invalid the decision of the Parliament of Latvia of 21 July 1940 on the Republic of Latvia joining the Soviet Union. Furthermore, it decided "to re-establish the authority of the Constitution of the Republic of Latvia adopted by the Constitutional Assembly on 15 February 1922, in the entire territory of Latvia".

8. On 17 September 1991 Latvia become a member of the United Nations.

State framework

9. Latvia is an independent democratic republic. The *Saeima* (Parliament) consists of 100 *Saeima* members elected in general, direct, secret and proportional elections. The *Saeima* is elected for a period of four years. The President of State is elected by the *Saeima* for a period of four years and the same person cannot hold office as the President of State for more than two consecutive terms. The President of State nominates the Prime Minister. The Prime Minister forms the government (the Cabinet of Ministers) and receives the confidence of the *Saeima* (Parliament).

10. Latvia has a three-level court system:

- District (city) courts try civil, criminal and legally administrative cases;
- Regional courts try those civil and criminal cases that fall within their authority according to the law; regional courts are also the courts of appeal for those cases that have been tried by district (city) courts;
- The Supreme Court is the Court of Appeal and Cassation for all cases tried by regional courts and district (city) courts.

11. The establishment of the *Satversme* Court (Constitutional Court) in 1996 completed the judicial reform in Latvia. The Court, *inter alia*, is empowered to review compliance of the national legal norms to the provisions of international agreements, entered in force for Latvia (article 16). The law does not empower the individual in his/her own capacity to lodge a complaint on the violation of the international provisions in the Constitutional Court.

12. Latvia has made significant advances in its economic and political development since restoring independence in 1991 and embracing comprehensive market reforms. During the last several years, the Government continued the structural reform of the economy, accelerated privatisation, strengthened the banking and financial system, and further stabilised macroeconomic situation. Since 1996, the Latvian economy has been on a steady growing path. In 1997, GDP grew by 6.5%. Growth has been broad-based, with particularly strong performance in the transportation and communication services and construction. The share of services in GDP structure is approaching 62%.

13. The private sector dominates GDP, making up for approximately 62% of value added.

14. Consistently tight monetary and fiscal policies have reduced the inflation to a single-digit level (7% in 1997).

15. Basic macroeconomic indicators in 1997:

GDP growth	6.5%
Inflation	7.0%
Unemployment	7.3%
Government fiscal surplus	0.7% of GDP
External debt	7.0% of GDP
Foreign trade turnover growth	23.1%
Total foreign direct investment (FDI)	US$847.4 million
FDI per capita	US$344

16. Since transition the government implemented a strict fiscal policy through a major revenue mobilisation effort combined with expenditure restraint. Latvia has made good progress in establishing the institutions needed for fiscal management in a market economy; important among

these are a well-functioning treasury system that has been set up for central Government operations, and a tax system geared toward the needs of a market-based economy.

17. The general government fiscal deficit was reduced from 3.4% of GDP in 1995 to 1.9% in 1996. Fiscal surplus of 0.7% was registered in 1997. The fiscal stance in 1996-1997 contributed to lower inflation and higher private sector investment.

18. Central government general budget (millions lats) 1997

Revenue	586.8
Tax revenue	474.8
Non-tax revenue	112.0
Expenditure	548.4
Current expenditure:	274.1
wages and salaries	118.3
employer's social tax payments	36.9
payments on goods and services	118.9
Interest payments on loans, grants, subsidies:	208.9
Capital expenditure:	31.3
investments	20.4
Other expenditure:	3.6
Revenue surplus or financial deficit (-)	38.4
Budget lending and repayment	34.4
domestic lending	11.0
external lending	23.4
Revenue surplus or fiscal deficit (-)	4.0
Budget financing sources	
Domestic financing	- 16.9
from other government administration bodies	36.9
from the Bank of Latvia	-27.4
from commercial banks	-32.3
Foreign financing	12.8

19. Since 1996 the central Government and local government budget revenues and expenditures are presented according to the classification laid down by the Ministry of Finance. This classification corresponds to the classification requirements set by international financial institutions.

Population

20. There were 2,454,617 permanent residents in Latvia at the beginning of 1997 out of which 23.5% were children up to age 17. Since 1991 the number of inhabitants has been gradually decreasing. Over the last five years the population of Latvia has decreased by more than 138,000 persons, mainly due to migration, as many of the inhabitants of the former USSR Republics returned to the countries of their origin.

21. During the last five years the number of newborns has decreased every year on the average by 5,000. The natural growth of population in Latvia was positive for the last time in 1990, when the birth-rate was 1.09, while in 1994 it was 0.59. Since 1991 the natural growth of population has been

negative - the number of those who died exceeds those who were born. In 1995 the birth-rate was almost half that in 1987 when the birth-rate was the highest in the post-war period. In 1997 18,830 children were born in Latvia, which constitutes a rate of 7.6 per 1,000 inhabitants. The death rate is 13.6 per 1,000 inhabitants, which gives a negative increase of population (-6.0). The infant mortality rate is 1.52%, according to the data of the State Statistics Committee.

22. The number of marriages in 1997 was 3.9 per 1,000 inhabitants, divorces were 2.5 per 1,000 inhabitants. In the same year 6,553 children were born out of wedlock, which constitutes 34.8% of total number of children born.

II. GENERAL MEASURES OF IMPLEMENTATION OF THE CONVENTION

23. The instrument of accession of the Republic of Latvia to the Convention was deposited with the Secretary-General on 14 April, 1992. The Convention entered into force for Latvia on 14 May 1992. Latvia acceded to the Convention without reservations.

Relevant legislation

24. There has been an important body of Latvian laws providing legal grounds for implementation of most of the provisions of the Convention since 1991. The Constitutional Law "The Rights and Obligations of a Citizen and a Person", the Criminal Code, the Criminal Procedure Code, the Law "On the Unrestricted Development and Rights to Cultural Autonomy of Latvia's National and Ethnic Groups", the Education Law and others contain relevant provisions guaranteeing protection of the rights of the child. Nevertheless, the rapidly changing political, social and economic environment necessitated the adoption of the legal provisions to meet new challenges of an open democratic society, based on the rule of law and market economy.

25. The Law "On the Protection of the Rights of child" was adopted on 19 June 1998. It is based on the principles of the Convention and the purpose of the Law is to define the rights and freedoms of the child, the obligations of the child towards his/her family as well as the rights and obligations of the parents, legal guardians and other persons towards the child.

Institutional framework

26. On 3 June 1992 the Supreme Council of the Republic of Latvia took a decision to accept the World Declaration on the Survival, and Development of children, meanwhile urging the council of Ministers to undertake definite measures to elaborate a programme in order to ensure the protection of the rights of the child. The work on the programme however, was accomplished only in 1994.

27. As a result, in March 1994 the Commission for the Protection of Children's Rights was established at the Cabinet of Ministers with the aim to advise the Government on the policy issues related to the protection of the rights of the child in the light of the convention, World Declaration and other relevant international documents. The Commission is composed from the representatives of various governmental agencies and is led by the Minister of Education and Science.

28. The above-mentioned Commission coordinates the establishment of institutions dealing with the promotion and protection of the rights of the child on the governmental level, evaluates national programmes for the implementation of the relevant provisions of the Latvian legislation and international legal acts. The Commission has the right to submit proposals to the government and Parliament on measures necessary to ensure the protection of the rights of the child.

29. Two ministries - the Ministry of Education and Science and the Ministry of Welfare - are assigned the duty to carry out the policy-making tasks with respect to children. At the Ministry of Education and Science the Department of Youth Affairs has been established. One of its main tasks is to contribute to the elaboration of a unified system of the protection of the rights of the child in Latvia.

30. In August 1995 the Children's rights Protection Centre within the Ministry of Education and Science commenced its work. The Centre, as an executive body for the governmental Commission, plays a coordinating and consultative role for a wide network of regional centres. Its tasks include, *inter alia*, to provide regional centres with the necessary information advice and teaching materials regarding the protection of the rights of the child. These centres also monitor the practical implementation of the legal instruments and may, if necessary, represent children before the court.

31. In the Ministry of Welfare there is a Division of Children and Family within the Department of Social Aid. The Division is the main institution responsible for elaboration of the policy on social aid measures to guarantee the well-being of orphans, children without parental care and children victims of violence. the Division has established, maintains and regularly updates a data base of the children cared for by the State. This information is used to organise adoption both within Latvia and to a foreign country. The Division closely cooperates with the social services of local governments, children's courts and NGOs.

32. In 1995 the Law "On the Children's Courts and County Courts" was adopted. According to the said law, children's courts and county courts are established in every city and county respectively.[1] Their task is, *inter alia*, to cooperate with health-care institutions, social services and police in order to assist children in need (to decide on assistance for families where the well-being of a child is not adequately ensured, to organise adoption) and to represent children in their relations towards other institutions, officials and, if necessary, towards his/her parents.

33. The National Human Rights Office (LNHRO) - an independent institution whose task is to promote and protect human rights - was established by a special law in December 1996. The Office is given the mandate to raise awareness and promote understanding and observance of human rights; inquire into allegations of individual human rights violations in both public and private sectors; on its own initiative investigate human rights-related issues and problems in Latvia; advise on compliance of Latvia's laws and practices with its national and international obligations in the field of human rights; and coordinate programme which promote observance of human rights.

34. The Office is a national institution, which gives tangible expression to the conclusions of the World Conference on Human Rights, held in Vienna in 1993. It has organised several public awareness arising actions, especially during the initial stage of its activities, such as a large-scale campaign, including the establishment of a children's telephone hot-line, to bring the issues of the rights of the child to the attention of the public. The LNHRO has made recommendations to the *Saeima* and various government working groups on such issues as abandoned children (foundlings) and sexual exploitation of children and has contributed to work of the governmental commission for the protection of the rights of the child.

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[1] In the report the term "children's court" means both the children's court and the county courts, if not specified otherwise, as their tasks are identical. The term "the court", in turn, means courts as described in paragraph 10 of this report.

III. DEFINITION OF THE CHILD

Age of attainment of majority

35. Article 219 of the Latvian Civil Law states that a child is a person under the age of 18. Article 220 of the said Law provides that in exceptional cases the court may decide that a child who is at least 16 years of age is recognised as having attained majority if his/her parents or guardians acknowledge the ability of the child to protect his/her rights and to fulfil obligations.

Legal minimum ages for legal/medical counselling without parental consent

36. The Latvian legislation does not determine any age restrictions for receiving legal counselling. A child may request legal assistance at any age and it is the responsibility of an advocate to guarantee such assistance. The Law "On Advocates" defines the obligations of an advocate towards the persons requesting legal assistance and stipulates that an advocate may not refuse the requested assistance without stating serious obstacles. Moreover, according to various legal acts, any institution making a decision which has direct impact on a child must take into account the views of the child.

37. The Constitutional Law "The Rights and Obligations of a Citizen and Person" states that "everyone has the right to medical treatment. The State protects the health of the population and guarantees everyone the minimum medical care specified by law". The 1997 Medication Law and the government regulations adopted for the implementation if this Law stipulate that it is the responsibility of the State to provide funding for minimum medical treatment of children under the age of 18 and establish exceptions for children from the payment for medical services.

End of compulsory education

38. The Constitutional Law "The rights and Obligations of a Citizen and Person" provides that everyone has the right to education. The State provides primary compulsory education free of charge, and ensures further schooling according to the abilities of the child. It is the responsibility of the parents or legal guardian to ensure that the child receives an education in accordance with his/her abilities. Education is compulsory for children until the attainment of 15 years of age or graduation from a primary school. Primary education includes grades 1 - 8 and secondary education includes grades 9 - 12.

Employment

39. The Labour Code regulates employment in Latvia. The Code states that children under the age of 15 may not be employed in a full-time position. With the consent of a parent or guardian and following a medical examination, children from the age of 13 can be employed part-time. Employment must be outside of school hours and under conditions that are not harmful to the safety, health or development of young persons. Persons under the age of 18 may not be employed during night hours and public holidays. They are entitled to payment not lower than the established minimum and to one month of paid annual holidays.

The legal age of sexual consent

40. Under the Criminal Code, it is prohibited to have sexual intercourse and other sexual relations with a child under the age of 16.

The age of marriage

41. the Civil Law states that a person must be 18 years of age to contract marriage. A minor between the ages of 16 and 18 may contract marriage only with the consent of the parents and authorities provided that the marriage is contracted with a person who has attained majority.

Voluntary enlistment and conscription into the armed forces

42. A person must be at least 18 years of age to voluntarily enlist in the armed forces. The duty to perform compulsory military service applies to citizens who have attained 19 years of age. Women may voluntarily enlist upon reaching 18 years of age. The compulsory military service, according to the law, is 12 months.

Voluntarily giving testimony in court

43. There are no provisions in Latvian legislation restricting the rights of the child to give testimony without parental consent. Under the Criminal Procedure Code, if the child is a witness in a criminal case, then he/she gives evidence in the presence of his/her parents and children's rights protection inspector. Before giving testimony, a child is informed that he/she has the statutory right not to testify against the members of his/her family. It is the responsibility of the court and its officials to decide on the presence of the parents, taking into account the circumstances of a particular case. A minor who is accused, if necessary, is cross-examined in the presence of a pedagogue and other legal representatives. If the minor has not attained 16 years of age the presence of a legal representative, pedagogue or psychologist is compulsory.

Criminal liability

44. The Criminal Code states that criminal liability is applicable to persons who have attained 16 years of age. An exception exists if a heavy and serious offence has been committed - then criminal liability is possible from the age of 14.

45. The Criminal Code states that persons under the age of 18 cannot be sentenced to life imprisonment or capital punishment.

Deprivation of liberty and imprisonment

46. According to the Latvian legislation, detained or imprisoned children are kept separately from adults; men and women are kept separately as well. It is provided that children serve the sentence in correction facilities for minors notwithstanding the severity of the sentence.

47. Upon attainment of majority, i.e., 18 years of age, a child is transferred to the facilities for adults. However, the Administrative Commission of the correction facility may decide that it is in the interests of the person (e.g., necessity to complete education) to remain in the correction facility for minors until a person has attained 21 years of age.

Consumption of alcohol or other controlled substances

48. A person must be 18 years of age to purchase and consume alcohol and cigarettes. According to the existing legislation, the shop-assistant, if necessary, has the right to require from the customer to produce a personal identification document in order to establish his/her age. The sale and use of narcotics is illegal.

The right to vote

49. A citizen must be 18 years of age to vote in the local or parliamentary elections. In order to be registered as a candidate for the Parliament or local government, a citizen must be 21 years of age.

The right to drive a motorised vehicle

50. A person must be 18 years of age to receive a driving license for motor cars and 16 years of age for a motorcycle.

IV. GENERAL PRINCIPLES

Non-discrimination

51. The Constitutional Law "The Rights and Obligations of a Citizen and a Persons" states that "all persons in Latvia are equal before the law irrespective of their race, nationality, sex, language, political affiliation, political or religious beliefs, social, property and professional status and origin". The Law "On the protection of the Rights of the Child" also stipulates that the State guarantees equal rights and freedoms for all children without discrimination as to race, nationality, language, political or religious beliefs, social origin, property and professional status of a child or his/her parents, guardians or family members.

52. Under the Criminal Code it is an offence to discriminate, threaten, insult or degrade on the basis of race, ethnic origin or religious beliefs.

Best interests of the child

53. The Law "On the Protection of the Rights of the Child" states that in all legal matters affecting the child the rights and interests of the child are to be given priority. Under the Family Law Division of the Civil Law, the custody of children under the age of 18 is vested with the parents, and they are responsible for the well-being of their children. They have an obligation to ensure the education and development of a child taking into account the wishes and abilities of the child. Criminal action can be taken against a parent who maliciously avoids the fulfilment of these obligations.

54. Until attainment of majority children are not allowed to fully decide all matters relating to their personal affairs, particularly regarding their property. The parents or guardians have the right and obligation to act on behalf of the child, and while in their custody, a child has an obligation to obey the decisions of the parents or legal guardians.

55. The parents or legal guardians also have the right to restrict the rights and freedoms of the child if it is necessary for his/her safety and is in the interests of the child. However, if the child considers restrictions of his/her rights or freedoms as unjustified or disagrees with the decision of the parents or guardians concerning the property of the child, he/she has the right to seek assistance from the children's court.

The rights to life, survival and development

56. Article 1 of the Constitutional Law "The Rights and Obligations of a Citizen and a Person" proclaims that the right to life of every person is the foundation and greatest value of the country. A child has the inherent right to the highest standard of physical and mental well-being. It is the responsibility of the State to guarantee to the maximum extent possible the survival and development of the child.

57. Existing legislation provides for State support to all families with children. The Law "On Social Aid" established legal grounds for maternity benefits, aid for mothers' on extended leave of absence due to the birth of a child, and for monthly financial assistance for families with children. Moreover, local governments are entrusted to provide social assistance for persons from society's vulnerable groups.

58. In recent years, NGOs have played an important role in providing financial and humanitarian aid, and in organising educational and recreational activities (summer camps, retreats). NGO's, in cooperation with UNICEF, published and distributed a brochure on breastfeeding and informed young mothers about different stages of child development.

Respect for the views of the child

59. The Constitutional Law "The Rights and Obligations of a Citizen and a Person" states that everyone has the right to freely obtain and disseminate information and to express one's views and opinions. Under the existing legislation, it is the obligation of the respective authorities to consider the views of the child when a decision affecting the child is taken.

60. Thus, under the Citizenship Law[2] the citizenship of a child who is over 14 years of age may be changed together with that of his/her parents or legal guardians only if the written consent of the child is submitted. A child who has reached 16 years of age may submit an application to change his name, surname or nationality.

61. According to the Civil Law, in case of a divorce the court, in deciding which parent will have custody, must take into account the views of a child who is over 7 years of age. For adoption the consent of a child who has reached 12 years of age is necessary.

62. The Law "On Religious Organisations" provides for the right of a child who is 14 years of age or over to request the inclusion of religious teaching within the school curricula.

63. The Criminal Code states that a child has the right to be informed of any charges brought against him/her, the right to legal counsel and the right to witness and submit evidence.

V. CIVIL RIGHTS AND FREEDOMS

64. Currently the main legal document guaranteeing civil rights and freedoms is the Constitutional Law "The Rights and Obligations of a Citizen and a Person". It does not specifically address the issue of the civil rights of the child but these rights can be seen from the broader context of the rights of the individual. Particular aspects of civil rights and freedoms are further elaborated in the whole body of Latvian laws, particularly in the Citizenship Law, the Law "On the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups", the Law "On the Protection of the Rights of the Child". The Criminal Code establishes sanctions for violations of these rights.

Name and citizenship

65. Every child must be registered within one month after his/her birth. Upon registration a child is given a name(s) and the surname of his/her parents. If the parents have different surnames, it is the responsibility of the parents to agree on the surname of the child.

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[2] In Latvian, term "citizenship" describes the legal link between the person and the State. The term "nationality", on the other hand, is used to describe a person's ethnic origin.

66. The Citizenship Law states that a child is a citizen of the Republic of Latvia if both of his/her parents are citizens of Latvia, regardless of their place of residence, or if the child is an orphan or is cared for by the State, or if the child is found on the territory of Latvia and there is no information regarding his/her parents.

67. If at the time of birth one of the child's parents is a citizen of Latvia, but the other is a foreign citizen, the child has the right to be a citizen of Latvia if he/she is born on the territory of Latvia, or he/she is born outside Latvia, but the parent with whom the child is living is a permanent resident of Latvia. If one of the child's parents is a citizen of Latvia, but the other is a stateless person, the child is a citizen of Latvia regardless of the place of birth.

68. The Latvian National Human Rights Office, the Ministry of Welfare and several NGO have made recommendations to amend the Law on Citizenship to address the issue of citizenship for children that are wards of the State. Moreover, amendments to the Citizenship Law have been elaborated and currently are under the constitutional procedure of referendum. According to these amendments, Latvian citizenship would be granted to all children born on the territory of Latvia after renewal of independence in 1991. The Government is ready to provide the Committee with the latest information on these amendments during the consideration of the report.

Preservation of identity

69. In accordance with the Citizenship Law and the Law "On the Unrestricted Development and right to Cultural Autonomy of Latvia's National and Ethnic Groups", ethnic origin (nationality) is a characteristic which is a part of a person's identity. The Law "On the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups" states that a person who is 16 years of age and is a citizen, permanent resident of Latvia or a foreign citizen permanently residing in Latvia, has the right to his/her ethnic identity and origin and has the right to change or renew his/her former ethnic origin.

Freedom of expression

70. In accordance with Latvian legislation, every person has the right to express and publish his/her ideas in print, in writing or orally. Everyone has the right to express their opinions, beliefs, and ideas, including through drawings, pictures and other forms of expression.

71. The freedom of expression is enjoyed by everyone, children as well as adults, and the exercise of the freedom of expression may be restricted by public authorities to the same extent as for adults.

72. Within the school system, children have the right to establish school parliaments and councils to express their opinions on issues relating to their schooling and having direct impact on them.

Access to appropriate information

73. Latvian legislation foresees that every person has the right to have access to information as well as to distribute it.

Dissemination of information

74. One of the responsibilities of the Latvian National Radio and Television Board is to provide the public with educational, cultural, scientific and other information. Currently, public television stations provide 7% of the air-time for children's programmes (an increase up to 9% is envisaged for 1999).

75. The Law "On the Protection of the Rights of the Child" provides that it is the responsibility of the State to ensure that in schools every child can receive information regarding their rights. The Convention on the rights of the Child has been translated and published by the Government and NGOs. Since the 1996/97 school year, the Convention has been included in the civic education curricula of all elementary schools.

76. NGOs have published the text of the Convention in a format that is presented in a user-friendly manner and is understandable for children. Many informative brochures, books and magazines on human rights for teachers, parents and children have been published as well.

Protection from injurious information

77. The Law "On the Protection of the Rights of the Child" states that it is prohibited to demonstrate, sell, or disseminate by other means among children publications, video materials or other information which depict violence, cruelty or pornography. The Law also states that the advertising of cigarettes and alcohol should be restricted to protect children from the harmful effect of these substances.

78. According to the Law "On Radio and Television" it is the responsibility of the Latvian National Radio and Television Board to ensure that programmes which are considered inappropriate for children are broadcast at times when a child does/should not have access to the media, or by informing the public through informative commercials that certain programmes may be inappropriate for young viewers. The mandate of the board states that channel operators have the responsibility not to broadcast programmes that could harm or negatively affect the normal physical, mental, or moral development of children. An exception is between the hours of 22.00 and 7.00. Programmes of this type must be visibly identified when they are advertised and broadcast.

79. Movie theatres must publicly display whether movies are deemed to be appropriate for persons under the age of 18 and prohibit underage persons from entering the movie theatre.

80. The 1996 Law "On the restriction of Production, Circulation, Advertising of Tobacco and Smoking" establishes the State control over production, import, circulation and advertising of tobacco and cigarettes. The Law states that advertising of cigarettes is prohibited in all educational institutions and that any advertisement of cigarettes in mass media should contain information on the harmful effect of smoking. The Law also prohibits advertising of tobacco on buildings and walls (except places where tobacco can be purchased), on the roads and other public places.

81. Government regulations have also been adopted to protect children from the production, dissemination, public demonstration and advertising of pornographic and erotic materials.

Freedom of thought, conscience and religion

82. The Constitutional Law "The rights and Obligations of a Citizen and a Person" states that everyone has the right to freedom of thought, conscience and religion. The Criminal Code states that no discrimination is allowed on the basis of a person's religious beliefs or convictions.

83. The Education Law states that religious and political beliefs of families cannot be infringed upon or be the basis for discrimination. Every child has the right to participate in extracurricular activities including the right to practice his/her religion as well as to attend Sunday school. Religious teaching can be included in the school curriculum if 10 or more children request such action to be taken and their parents/guardians give their consent.

84. The Law "On religious Organisations" guarantees everyone the right to practise and exercise their religious beliefs and to form congregations. This Law also states that parents or legal guardians have the right to raise the child in accordance with their own religious beliefs. Children under the age of 18 are not allowed to found religious organisations, but they can become members of such organisation with the consent of their parents or guardians.

85. Religious organisations and congregations are allowed to perform their work in places of confinement, correctional facilities, hospitals and other public institutions if so requested.

Freedom of association and peaceful assembly

86. The Constitutional Law "The Rights and Obligations of a Citizen and a Person" guarantees that everyone has the freedom of assembly, meetings, and demonstrations. The Law "On the Protection of the rights of the Child" states that a child's freedom of association and assembly may be restricted in order to protect his/her life or well-being.

87. Latvian legislation foresees the right of any person, having attained 16 years of age, to become a member of an NGO. Persons under the age of 16 may do so with the written consent of their parents or guardian.

Protection of privacy

88. The Constitutional Law "The Rights and Obligations of a Citizen and a Person" guarantees the confidentiality of correspondence, telephone conversations, and telegraph and other communications. It also guarantees the privacy of one's home. House search, seizure, and examination of correspondence or any breach of the secrecy of postal, telegraph and telephone matters must take place only following a court order. The Criminal Code foresees criminal liability in case these rights have been violated.

89. Similar provisions have been included in the Law "On the Protection of the rights of the Child", which protects the privacy of the child's home and states that a child's correspondence is confidential.

90. The Civil Law states that in the case of a child's adoption, documents and information concerning the adoption are confidential. The Criminal Code contains sanctions for the violation of this rule.

91. A progressive step has been taken regarding teacher/pupil relations. A code of ethics for teachers has been drafted which sets out principles governing relations between teachers and pupils that are based on respect and responsibilities of both parties.

The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

92. Both the Constitutional Law and the Law "On the Protection of the Rights of the Child" provide that torture or other cruel, inhuman or degrading treatment or punishment is prohibited.

93. The Criminal Code states that persons who have subjected children to cruel, inhuman or degrading treatment, including sexual abuse, are punishable by law. The Code states that persons under the age of 18 cannot be sentenced to life imprisonment or capital punishment.

94. If parent(s) or legal guardian does not fulfil their obligation to guarantee the child's well-being and upbringing, including the child's education, administrative action can be taken against them.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Parental guidance and responsibilities

95. The Constitutional Law "The Rights and Obligations of A Citizen and a Person" states that the family and marital rights, as well as the rights of the mother and the child, are protected by the State. It also states that the care and upbringing of children are in the first instance the right and responsibility of the parents or the guardians. The role of the State is to assist the parents or guardians in fulfilling their responsibilities towards their children. The State also guarantees special protection and assistance to children who are left without parental care.

96. The Civil Law states that children under the age of 18 are subject to the custody of their parents or guardians. It is the responsibility of parents/guardians to raise the child respecting the child's individuality and abilities. A parent must guarantee the basic needs of a child such as food, shelter and clothing, as well as the child's welfare and education.

97. Latvian legislation emphasises the rights of parents and children to live together in a family. During marriage both parents have joint custody of the child. In the event of a legal separation or divorce, the parents must decide who will have custody of the child. If the parents fail to agree, the court will decide on the issue taking into account the interests of the child. The Civil and Education Laws specify that parents have the right and responsibility to be informed of events affecting their child and to be present at the most important moments of the child's life.

98. In order to support families with young children the Labour Code provides women with the statutory right to maternity leave related to pregnancy and birth. Similar guarantees have been envisaged for persons who have adopted children or become their guardians.

99. Specific norms apply to civil servants. The Law "On the Civil Service" provides civil servants the right to take leave of absence for the first year of the child's life. It also states that a civil servant who has a child under the age of three cannot be sent on business trips without his/her consent.

100. Under the existing legislation, women who have children up to 36 months old should be allotted, besides the usual break for rest and meals, an additional pause for child feeding. The pauses, which are not less than 30 minutes, are given not less seldom than every three hours. If there are two or more children this break may be longer. Women who breastfeed their children until 1½ years of age are entitled to an additional half-hour break during the work day. Beside, the breaks for child feeding are included in the working time and are paid according to the average salary. The mother of a child that is below the age of 14 (16 if the child is disabled) cannot be employed overtime and cannot be sent on business trips without her consent. Mothers have the right to take leave from their place of employment until the child has reached three years of age. Women who have a child under the age of three do not have to work a full day, but are entitled to a full salary.

101. In accordance with the Law "On Local Governments," every local government must establish a social assistance centre to be able to broaden the type of services provided for children and their well-being. The Laws "On Social Security" and "On Social Aid" guarantee that persons raising children are entitled to receive social assistance. It is the responsibility of the local governments to provide assistance to families with children.

Separation from parents

102. According to the Civil Law , custody of a child ceases in cases where the parent or child dies, when the child has been adopted by a third party with the consent of his/her parents, when the child has reached the age of majority or when the right to custody has been removed by a court decision.

The Civil Law also states that if a child becomes an orphan or if custody rights have been taken away from the parents, the State appoints a temporary or permanent guardian. The State provides remuneration to the guardian.

103. If a child has committed a crime, he/she also can be separated from his/her family while parents maintain their custody rights. In such cases the child would be placed in a juvenile correction facility in accordance with the Criminal Procedure Code.

104. In situations where a decision must be taken on the separation of a child from his/her parents, the Civil Procedure Code and Criminal Procedure Code ensure the rights of all interested parties to express their views. The parents have a right to be present in proceedings regarding the decision to remove custody rights. If the parents fail to attend and knowingly abuse their right to attend, a decision can be taken without their presence.

105. Article 182 of the Civil Law states that following the separation of the child from his/her parents, both parties have the right to maintain contact. Contact includes the right of the parents to visit the child and vice versa. It also includes the right to contact via correspondence and telephone. Exceptions exist if it is believed and decided by the court that such contact can be detrimental to the well-being of the child. If the parents want to maintain contact with the child but the child does not want to, it is the responsibility of the children's court to act on the behalf of the child and decide what is in the best interests of the child.

106. The intention of removing custody rights from a child's parents is to achieve the return of the child to his/her family when his/her parents are recognised to be capable of fulfilling their parental obligations. When the children's court establishes that the reason due to which the custody rights have been removed have ceased to exist, the custody rights can be restored.

Family reunification

107. The Constitutional Law provides that the family is protected by the State. To this end various legal acts contain norms encouraging reunification of the family. Thus, the Constitutional Law states that all citizens and permanent residents have the right to freedom of movement, including the right to enter and leave the territory of Latvia.

108. The Law "On Entry and Residence of Foreign Citizens and Stateless persons in the Republic of Latvia" states that children under the age of majority can enter Latvia together with their parents, guardians or other persons who are responsible for them. Children are allowed to enter the territory of Latvia to join their parents or guardians.

109. The Repatriation Law guaranties the right of voluntary repatriation for persons of Latvian or Liv origin, as well as for persons of other nationalities, to the country of their ethnic origin. It also guarantees the same rights to the spouse, parents or children of the person who is repatriating.

110. The Law "On Asylum Seekers and Refugees" stipulates that a request for refugee status is applicable to family members if they so agree. Persons who have been granted refugee status have the right to receive family members (spouses and children) from abroad. These persons are granted refugee status as well.

111. The spouse of a Latvian citizen has the right to acquire citizenship through an accelerated procedure of naturalisation.

Recovery of maintenance for the child

112. The Civil Law states that it is the responsibility of the parents to care for their children within their abilities and financial capacities until the child has reached the age of majority. This responsibility rests with both parents equally. If the parents live separately, the parent with whom the child is living has custody of the child. Both parents must provide for the child's well-being in accordance with their means.

113. Criminal action can be taken against a parent who does not pay maintenance or alimony assigned to him/her by the court. When a decision is taken by the court for a parent to pay maintenance and the parent does not do so, it is the executor of the court who has to enforce the decision. It should be noted that the registration (*propiska*) system under the former Soviet Union was used to assist in locating a parent who was not paying alimony. Since Latvia has regained its independence, there have been attempts to modernise this system and register people on the basis of their tax forms, but this practice is not fully functioning yet and often creates problems in locating the whereabouts of a person.

114. Due to financial difficulties, some parents are forced to place their children temporarily under the care of the State. These low-income families are entitled to financial assistance from the local governments (e.g. monthly payments to the family to cover living expenses, financial assistance for the rent of the apartment). It should be noted that the minimum level of assistance is established by the State and is the responsibility of the local government to render such assistance and, considering the financial resources available for the particular local government, to decide on additional assistance.

Children deprived of family environment

115. The Civil Law states that if a child is deprived of his/her family or is not under the custody and care of his/her parents, other means must be found to guarantee the well-being of the child. This can happen by placing the child in a foster family, appointing a guardian, placing the child in a children's shelter, family orphanage (smaller in size and trying to maintain a family rather than institutional environment) or organising adoption.

116. In 1994 government regulations on social guarantees for orphans and children state that the following categories of children are considered to be without parental care:

- A child left in hospital after being born and given up for adoption;
- Children who have been abandoned or left in maternity wards, children hospitals, orphanages or children's shelters and whose parents have shown no interest in the whereabouts of their child;
- A child whose biological parents have had their custody taken away from them by the decision of the court;
- A child whose parents are incapable of caring for their well-being due to their ill health or because they are in prison;
- When one parent is not capable of caring for the child, but the other has not cared for the child for six months.

117. To guarantee and assist the implementation of the aforementioned legislation, the Ministry of Welfare issued a decree in 1995 that places with the hospitals the responsibility to inform the authorities of children receiving medical care whose parents have not retrieved them 10 days following the end of treatment. Following such action, the child (until the age of three) is taken out of the hospital and placed in a children's home or children's shelter. The Department of Health Services

and the Division of Orphans and Children left without parental care are the implementing government structures.

118. According to the Civil Law, if a child cannot be under the custody of his/her parents, it is in the interests of the child that he/she be granted a guardian that is a relative. This can help to maintain language, cultural and religious traditions and beliefs.

119. Since 1994 by Government decree guardians receive remuneration equal to a monthly minimum salary as well as financial support to cover the living expenses of a child. The guardian is responsible for the upbringing and well-being of the child and has the same rights and responsibilities as a parent. If a guardian abuses his/her power over the child, he/she can be prosecuted under the Criminal Code.

120. On 10 June 1997 the government adopted regulations "On Foster Families" which define the status of a foster family, establish mutual rights and obligations of the child and his/her foster parents and provide for financial support from the State for every foster family. It is the responsibility of the local governments to ensure the implementation of the provisions of the above-mentioned regulations.

121. The Government realises that support must be provided to develop foster care and family orphanages. This would help to preserve a family environment for a child without parental care and to ensure development of a child taking into account his/her best interests.

122. Children from low-income families or those whose family life is not suitable for their upbringing can be placed in boarding schools. These schools provide accommodation for children to live at the school during the week and return home during the weekends. If it is in the interests of the child not to go home, he/she can spend weekends in the boarding school as well. Moreover, boarding schools can provide an alternative to families living in the rural areas that do not have access to public transportation and thus help to overcome difficulties for children to attend school on a regular basis.

123. The need for children's centres and foster care for children who must be taken out of their homes temporarily is increasing. Local governments are trying to meet these needs by establishing small children's centres that can also be used as shelters for children who run away from home or who are experiencing problems within their families. It is the responsibility of each local government to establish a centre, if necessary.

124. At present, six child care centres for orphans and three centres for physically and mentally disabled orphans are State financed. Under the Law "On Local Governments", the remaining 29 children's homes or child care centres are financed by the local governments.

Adoption

125. The Civil Law states that the adoption of a minor is permitted if it is in the best interest of the child and if there are grounds to believe that as a result of the adoption, a parent-child relationship will develop. All persons, including the child, participating in the adoption must give their consent for the adoption to take place and the decision is administered by the children's court and approved by the court. Siblings cannot be separated because of adoption unless it is in the interests of the children (e.g. if one is in need of serious medical care).

126. The adopted child becomes a member of the adoptive family and the parents gain custody of the child. In turn the child takes on the surname of his/her adopted family if not stipulated otherwise in the adoption agreement and has the same rights as a biological child.

127. The court can revoke a decision granting adoption if the procedures stated in law have not been followed or if the participants in the adoption reach such a conclusion, or if it is in the best interests of the child. However, the court may disregard the violation of prescribed procedures and decide that it is in the best interests of the child to remain in the adoptive family.

128. Government regulations on the implementation of adoption procedures apply to the adoption of children within the territory of Latvia as well as to other countries. The regulations state that the children's court takes a decision on whether the proposed adopters satisfy a number of requirements. These include the applicants' physical and mental health, financial situation and motive for adoption. The decision of the children's court must be approved by the court.

129. Adoption of a child by a persons living in a foreign country is allowed only in cases when the upbringing of a child with respect to best his/her interests is not possible in Latvia. A decision to allow a child to be sent for adoption to a foreign country must be ratified by the Minister of Justice.

130. It is common for children in families where only one spouse the biological parent to be adopted by the other spouse.

Illicit transfer and non-return

131. According to the existing legislation, every child has to have a passport in order to be able to leave the territory of Latvia. Any person other than the parents of the child has to produce a written authorisation from the parents to accompany the child abroad. Authorisation also is required if the parents have divorced and one of them accompanies the child abroad.

132. Article 126 of the Criminal Code states that a child's abduction with the purpose of making a profit, as a form of revenge, or other inhumane reasons entails criminal responsibility. It is understood that this article applies to a child's abduction within the territory of Latvia as well as to the illicit transfer abroad. Since 1992 there have been 12 cases brought before the court under article 126 of the Criminal Code. However, none of them deals with illicit transfer abroad.

133. Latvia has ratified the European Convention on Mutual Assistance in Criminal Matters and has concluded bilateral agreements on mutual legal assistance with Belarus, Estonia, Lithuania, Krygystan, Moldova, Poland, Russia, Ukraine, United States of America and Uzbekistan. Moreover, Latvian police cooperate with police forces of other countries, particularly within Interpol, of which it is a member.

Abuse and neglect, including physical and psychological recovery and social reintegration

134. The Constitutional Law states that torture and other cruel, inhuman or degrading treatment and punishment are prohibited. Article 111.[1] of the Criminal Code provides that if, in exercising custody of a child, a parent is found guilty of abuse or neglect or otherwise faults on care of the child in a way which entails a lasting danger to the child's health and development the court can deprive a parent of the custody rights, deprive the parent of freedom or levy a monetary fine on the parent. The Criminal code also establishes the principle that any crime (other than provided for in article 111.[1]) the victim of which has been a child is to be considered as a crime with aggravating circumstances entailing a more severe penalty.

135. Parents or guardians who do not fulfil their parental obligations, including ensuring that their child attends school, can be fined in accordance with the Code of Administrative Offences. If a parent/guardian is responsible for the alcoholic inebriation of their child, they can also be held accountable under the aforementioned Code.

136. In 1994 the Prosecutors Office conducted an investigation on child abuse as specified in article 111.[1] of the Criminal Code and found that in 1993 there were seven criminal cases brought before the court against family members. In 1994 the Prosecutors' Office received 74 requests from medical institutions, school boards, school directors, local governments, relatives and neighbours to investigate possible cases of child abuse; 56 of these cases have been deemed to be criminal offences and punishable under the Criminal Code, of which 9 were before the courts, 8 forwarded to the courts, 7 were terminated and 32 were still under investigation. Analysing these criminal cases, fathers are accused of wrongful action against children most frequently. Practice has shown that the investigation of such cases is lengthy and often complicated and harms the situation even more, because the child continues to live together with the person under investigation. Later statistical information does not differentiate data according to the stage of the case and shows only the number of crimes registered and number of cases initiated.

137. According to the information of the Ministry of Interior, during the first nine months of this year, 315 crimes have been registered where victims were children (in 1995 - 312, in 1996 - 257, in 1997 - 434), and the majority of these crimes fall under article 111.[1] of the Criminal Code.

138. A joint decision by the Ministries of Welfare, Education and Interior "On the Prevention of the Violation of Children's Rights" was adopted in 1992. The decision places responsibility with medical personnel, school pedagogues and police officers to inform a children's rights protection inspector within 24 hours of a violation of children rights that they have observed or have been made aware of and do what is in within their power to stop the violation from continuing.

139. There are children leaving home due to the lack of supervision, conflicts, physical abuse, or alcohol or other substance abuse by parents. These children can be placed in children's shelters, the purpose of which is to provide temporary accommodation for children, to render necessary medical assistance, to assist in placing the child back in his/her home or finding the most suitable solution for the well-being of the child, including separation from the family.

140. Certain reforms have taken place within the education system relating to the rehabilitation and reintegration of children who have suffered physical or psychological traumas. Psychologists are working in schools to provide assistance to children, parents and pedagogues. Under the auspices of the University of Latvia, a Psychological Crisis and Assistance Centre has been established that provides qualified and competent assistance at a nominal fee. The demand for its work is greater than its ability to satisfy needs.

141. NGOs have played an important role in this area by providing information to the general public on children's rights and abuses, as well as crisis hot-lines for abused children or those in need of advice.

VII. BASIC HEALTH AND WELFARE

Survival and development

142. The Constitutional Law "The Rights and Obligations of a Citizen and a Person" establishes constitutional protection for the survival and development of every child and states that the right to life of every person is the foundation and greatest value of the country and the Law places the responsibility on the State to ensure the survival and development of a child.

143. As regards the much more difficult question concerning abortion, the 1997 Medication Law states that every doctor is responsible for the preservation of the unborn child. The doctor has to attempt to persuade the woman to preserve the child if the pregnancy is not harmful to the health of

the expectant mother and there are no grounds to believe that a child would have serious illnesses. The doctor has the right to refuse to perform an abortion if there are no medical reasons for it.

Disabled children

General

144. The Law "On the Protection of the Rights of the Child" states that disabled children have the same rights to active life, development and general and professional education according to their abilities as any other child. This Law also acknowledges that disabled children require additional care and assistance both within the family and by the State.

145. On 4 May 1990 Latvia accepted UN Declaration on the Rights of disabled Persons. The 1992 Law "On Medical and Social Protection of Disabled" which is based on the principles of the said Declaration and states that:

- The main aim of social aid is to ensure the integration of disabled people in the society;
- The right to medical and social help is equal for all disabled persons;
- Social help for disabled persons is individual and should be rendered in a timely manner.

146. The aforementioned Law determines the rights of all disabled persons, including those of a disabled child. Under this Law disabled children under 16 receive an allowance of 25 lats per month. The same Law provides that children and their caretakers can use public transport free of charge, and also receive medicine free of charge.

147. Under the Law "On Social Security" disabled persons are entitled to assistance for activities which promote their social integration, including assistance in employment issues. Government integration efforts in practice had led to the elaboration of a 10-year programme aimed at ensuring that all public premises are made accessible for disabled persons. The Law "On Local Governments" establishes the competence of local governments to ensure social aid for disabled persons.

148. The information of the Ministry of Welfare indicates an increase in the numbers of disabled children:

in 1994	5,445 disabled children
in 1995	5,923 disabled children
in 1996	6,637 disabled children
in 1997	7,690 disabled children
in 1998 (in the first 8 months)	8,007 disabled children

Rehabilitation services

149. There are several legislative acts establishing the legal bases for rehabilitation of disabled:

- The Law of 7 September 1995 on Social Security;
- The Law of 14 November 1995 On Social Aid;
- The Law of 29 September 1992 On Medical and Social Protection of Disabled.

150. The State allocated 2 million lats in 1997 from its budget for the budget subprogramme "Rehabilitation" which includes the following spending lines:

- Rehabilitation for employment purposes;
- Day centres for mentally disabled persons;
- Rehabilitative measures for hearing-and vision-impaired persons;
- Provision of a free-of-charge stay in health resorts;
- Acquisition, rent and distribution of special equipment;
- Production of special equipment.

151. The rehabilitation assistance is rendered to the concerned persons through the local governments, taking into account the person's needs assessment by the social aid services of the local government.

152. Treatment and recovery treatment for disabled persons, including children, is available at the rehabilitation centre "Vaivari" and is financed from the State and local government budgets. Recovery treatment is provided also in the child social rehabilitation and care centre "Bulduri". In addition to the State-financed rehabilitation services several NGOs provide assistance to disabled persons, including summer camps for disabled children, and provide financial support for medical treatment.

Education possibilities or disabled children

153. There are special schools (boarding schools), sanatorium-type boarding schools, development and rehabilitation centres, and specialised classes at elementary schools where disabled children can obtain an education. the education in these institutions is free of charge. Moreover, the State covers tuition fees if a disabled child is taught at home. The objective of specialised education is to ensure that children with mental or physical handicaps, with psychoneurological or serious somatic illnesses obtain an education in the best possible way according to their abilities.

154. In 1990 children with serious psychological disabilities began to attend specialised schools. Prior to this time, it was considered that such children were unable to learn. Currently there are 54 specialised schools in Latvia and 7,820 children with visual or hearing impairments, psychological or physical disabilities, psychoneurological illnesses and other health problems attending these schools. there are 31 primary schools providing specialised classes for children with disabilities and there are 16 specialised schools for children from all over the country. A great deal of attention has been devoted to preparing teachers to be able to assist in integrating children with physical or psychological development disorders into regular classes. Pedagogues from special schools consult and provide practical advice to teachers and parents.

155. The curriculum for grade 9 in specialised schools focuses on providing the child an education based on a vocation so that the child is able to learn a vocation suited to his/her needs. If the school has the necessary resources grades 10 and 11 are developed to provide the child with an even better foundation. Vocational education is also made available for disabled children in several specialised institutions, such as the vocational education and rehabilitation centre in Alsviki and the National Rehabilitation Centre.

156. The implementation of alternative pedagogical models in specialised education is being promoted. Great attention is being paid to preparing teachers in integrated classes and in classes for children with serious development handicaps or mental retardation. The foreign experience is evaluated in order to improve the special education system in Latvia.

NGO support

157. The Government's social policy within its limited financial means may not be sufficient given the needs of the population in that respect. There is an ongoing dialogue among the Government, non-governmental organisations and various concerned groups aiming at joining efforts to improve the situation.

158. Various non-governmental organisations support disabled children. In implementing the programme "The Health", the Children's Fund of Latvia has sought international cooperation partners with the help of whom equipment for children suffering from children's cerebral paralysis (poliomyelitis) has been provided for early rehabilitation at the "Vaivari" rehabilitation centre. In 1995, a project was elaborated to transform the hospital "Baltezers" into a rehabilitation centre for disabled children. Work is ongoing on the implementation of an early rehabilitation project for hearing-impaired children. There are continuos efforts by NGOs to gather the necessary medical and other equipment, specialised literature and developmental toys to carry out the educational activities for parents. The Children's Fund of Latvia has financially supported the publication of the magazine "The Anxiety Child". The Children's Fund, together with the Red Cross and local governments, organise recreational camps for children suffering from chronic and serious diseases. From 1992 till 1996, 1,275 children attended 52 camps.

Health and health services

General

159. Constitutional protection of the health of the children of Latvia is set forth in the Law "The Rights and Obligations of a Citizen and a Person" which stipulates that everyone has the right to medical care. The main obligation to ensure the protection of the health of a child lies with the parents or guardians. Furthermore, it is provided that the State protects the health of the public and guarantees each person a minimum level of medical assistance determined by law.

160. There is no particular law on the protection of the health of the child. However, the body of law dealing with the issue, and in particular the law "On the Protection of the Rights of the Child", the 1997 Medication Law and 1997 regulations on the financing of health care encompass a large number of relevant provisions relating to the issues covered by the Convention. Furthermore, all issues related to children's health and hygiene are regulated by an extensive number of quality standard acts.

161. Health reform in Latvia is aimed at the establishment of a financially balanced health care system. It should be noted that the centralised health care system inherited from the Soviet Union was completely State-financed and, therefore, health care services were not considered as having monetary value. Moreover, the resources for health care were allocated notwithstanding the quality or the quantity of the services rendered.

162. The current health care system is partially centralised: the financial resources are allocated to the local governments according to the number of residents in their territory. It is the responsibility of the local governments to ensure the establishment and maintenance of the necessary health care facilities. The health care policy focuses on preventive and primary health care and a universal and effective system of health insurance. The implementation of this policy has led to an increase in the number of primary health care institutions from 393 in 1991 to 617 in 1997.

163. The resources allocated by the State for health care have increased since 1992 and in 1997 constituted 18.3% of GDP (in 1992 - 12.5% of GDP).

164. In order to promote international cooperation on medical issues, Latvia has commenced the elaboration of respective international agreements. On 1 May 1998 the Agreement between the government of the Republic of Latvia and the government of the Kingdom of Sweden on Medical Care for Temporary visitors entered into force. Conclusion of similar agreements is envisaged with Estonia, Lithuania and Finland.

Measures to diminish infant and child mortality

165. The child population in Latvia constitutes 23.5%, in absolute figures it is 577,239 persons under 18 years of age as of beginning of 1998. The infant mortality rate (under 12 months) was 1.52% in 1997. This figure testifies to a trend towards improvement of the situation, as the same figure for the previous year was 1.85%.

Infant mortality (number of deaths under 1 year)

Year	*Total*
1980	545
1985	518
1986	538
1987	476
1988	456
1989	438
1990	531
1991	545
1992	557
1993	434
1994	381
1995	407
1996	315
1997	289

166. The immunisation of children is an integral part of the State policy in the health sector aimed at diminishing the child mortality. The public Health Department within the Ministry of Welfare has elaborated the national vaccination policy against infectious diseases, such as diphtheria, measles, epidemic parotitis and poliomyelitis. The implementation is delayed because the necessary financial means are not fully available. In order to implement the programme successfully, at least 90% of all children must be vaccinated. The actual budgetary situation allows for the vaccination of only 83% of children.

Practices prejudicial to the health of children

167. As regards the rites mentioned in article 24, paragraph 3, of the Convention which may harm the health of children, the Latvian health authorities are not aware of any cases of circumcision of women performed by Latvian doctors. Circumcision of boys is not considered to be harmful to their health and may in certain cases be medically indicated. Circumcision of boys probably takes place in Latvia for religious and cultural reasons. The Latvian authorities are not aware of the performance in Latvia of any other traditional rites which may be harmful to children.

168. A girl who belonged to the Jehovah Witnesses died in the hospital due to the refusal of her parents to accept the proposed blood transfusion. This accident caused wide discussion but no legal action was initiated due to the absence of *corpus delicti*.

169. The 1997 Medication Law states that it is necessary to receive the permission of a patient for his/her medical treatment and for the methods of the treatment. However, the Law also states that in cases where the consent of a patient, his/her family members or legal guardians cannot be obtained and any delay is dangerous for the health of the patient the doctor has an obligation to carry out the necessary immediate treatment. The doctor also has an obligation to inform the children's court of following the medical treatment of a child.

Health care for mothers

170. Article 173 of the Labour Code determines that maternity leave is to begin 56 days before the birth and 56 days after the birth. The Law states that maternity allowance shall fully correspond to the recipient's average salary. According to the Law "On social Aid", for the birth of every child a child-birth benefit is given to one of the parents or to the person who has adopted a child or taken custody of a child.

171. All expectant mothers receive medical consultations during pregnancy free of charge. The State-provided birthing services are free of charge, through it is possible to receive birth services in private health institutions accredited by the Ministry of Welfare.

Health education

172. At present about 60% of schools in Latvia have health education classes.

173. The Family Centre of Latvia carries out counselling activities to children on different health matters. Within the family Centre of Latvia, the Youth health Centre has been established. Over a period of 1½ years various lectures and seminars have been organised by the Youth Health Centre. The estimated attendance exceeds 13,000 children. Individual consultations and discussions took place after lectures.

174. A minor has a right of proper self-determination as regards guidance on contraceptive methods. Such guidance can be offered and received by children and young persons under the age of 18 years without the consent of the person having custody.

175. The Latvian National Commission for UNICEF has contributed to popular education by issuing a brochure, "Ten Steps in Successful Breastfeeding". It is widely available through medical and care institutions free of charge. NGOs are also actively participating in popular education, in particular the organisation "Save the Children" which disseminates health information, for example about the benefits of breastfeeding.

176. In 1995 the Health Promotion Centre commenced its work to organise and coordinate the implementation of the policies aimed at the promotion of individual and public health. The goal of the work of the Centre is to increase public awareness of questions relating to health and health care. The current activities of the Centre focus and on the elaboration of a strategy for the promotion of individual and public health, and on measures to decrease the level of consumption of alcohol, cigarettes, narcotics and toxic substances.

AIDS and HIV

177. Four cases of HIV have been registered in Latvia as of the beginning of 1998. With regulation No. 207 of the Cabinet of Ministers, "The Regulations of the National AIDS Centre", a National AIDS Centre under the auspices of Ministry of Welfare has been created. The Centre carries out epidemiological supervision and elaborates preventive measures. The main activities of the Centre are in line with the WHO global AIDS programme and UNAIDS programme recommendations.

Social security and child care services and facilities

General

178. The social security system in Latvia has been considerably transformed in line with the whole society's transition to a new democratic model of functioning based on a market economy. The Government wishes to emphasise that the situation as regards social security is closely interrelated with that of economic development. There are significant indications of a steady growth in the Latvian economy, therefore the Latvian Government sees the possibility for further improvement of the social security system as promising.

179. The social security policy of Latvia relates not only to measures of social insurance and social aid, but provides for wide range of measures to be taken in order to diminish social risk. The notion "social security" also includes employment and individual health care issues as well as public health matters such as environmental protection.

180. Latvia has concluded international agreements on social security with Estonia, Lithuania and Ukraine. In addition, there are agreements relating to particular groups of persons, e.g. the 1994 agreement with the Russian federation on social protection of retired military personnel of the Russian Federation and their family members residing on the territory of Latvia and the 995 agreement with Ukraine on employment and social protection of permanent residents of Latvia and Ukraine in the territory of the other Contracting Party.

Social aid and social insurance

181. The legal basis for social aid is the 1995 Law "On Social Aid" which defines the aim of social aid as the social protection of persons from society's vulnerable groups. The said Law lists the forms of social aid, divides the competence between the State and the local governments, as well as states the persons entitled to he social aid.

182. The budget for social aid in 1997 constituted 2.1% of GDP which is a considerable increase if compared with previous years (1992 - 0%, 1993 - 0.8%, 1996 - 1.9%).

183. According to the above-mentioned Law, there are three forms of social aid:

- Material assistance to a person or a family;
- Social care;
- Social rehabilitation.

184. There are 14 different forms of material assistance to a person or a family financed both by the State budget and the budget of local governments. This material assistance can be regular (financial support for the care of a child up to 3 years of age, remuneration for the person who has taken custody of a child or has adopted a child, financial support for a family with a child/children up to 15 years) or extraordinary (child-birth benefit). The State material assistance does not depend on the income of a

person or a family. The main part of the assistance rendered by the local governments is aimed at the stabilisation of the income of a person (family) and is based on the income test (e.g., monthly financial support for low-income families).

185. Article 19 of the Law determines that child-care benefit can be allotted to persons for child care until 3 years of age if this person does not receive maternity allowance from State social security and if the person is unemployed or is working part-time. Family allowance is given by the State to those persons who raise a child who is under 15 or who is over 15 but attends a comprehensive school and is not married: the latter benefit is allotted for the time when the child attends school.

186. The same Law envisages that State family allowance will be paid taking into account the number of children in the family. For a family with one child, the State family allowance is 4.25 lats. Families with several children receive an allowance for the second and the fifth child 1.2 times larger than that for the first child and for the third and fourth child an allowance 1.6 times larger. For the sixth and every subsequent child the family receives benefit in the same amounts as for the first child.

187. Institutional social care and alternative social care (at home, in day centres, in foster families) is guaranteed for old persons, disabled persons as well as for children without parental care and is financed by the State and local governments. It should be noted that alternative social care has been established rather recently. Currently there are 6 State financed child-care centres for orphans and disabled children as well as 53 child-care centres for orphans financed by the local governments.

188. In 1992 the Government passed a decision "On Recommendations for Local Governments in the Organisation of Social Services". It was the beginning of decentralisation of the social aid services. The 1994 Law "On Local Governments" further enhanced the responsibilities of local governments for social care and it is the responsibility of the local governments to determine the necessary forms of such care as well as establish and maintain the facilities needed.

189. According to the data, as of 1 January 1998 the rendering of social aid involved 881 workers the majority of whom were local government employees.

190. To enhance State participation in rendering of social aid and also in order to give methodical assistance, the Social Aid Fund has been established. One of the tasks of the Fund is to distribute State budget funds for social aid programmes for:

- Social and professional rehabilitation and care;
- Acquisition of rehabilitation and compensatory equipment;
- Obtaining vehicles for disabled persons;
- Vouchers for nutrition;
- Covering the accommodation expenses at State social care institutions;
- Determining Disability and vocational/aptitude.

191. The system of social insurance is based on the Law "On the State Social Insurance". Its aim is to compensate for a decrease in income due to unemployment, accidents at work, the death of the breadwinner, maternity leave, absence at work due to illness and other reasons. The expenses for the social insurance constituted 12.2% of GDP in 1997 (in 1992 - 9.6%, in 1995 - 11.3%).

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Education, including training and guidance

General

192. The Constitutional Law "The Rights and Obligations of a Citizen and a Person" states that everyone has the right to education. The State provides compulsory education free of charge, and provides the opportunity for everyone to continue education in accordance with one's abilities. At the same time, it is the responsibility of the parents to guarantee that a child receives an education that is appropriate for the child's abilities. If a parent does not fulfil his/her obligation in this regard, an administrative fine can be placed on the parent.

193. The Ministry of Education and Science is the responsible institution for education policy in Latvia. There is a special law concerning education - the 1991 Education Law. Some of the principles in this Law have become outdated and are in contradiction to the more recently adopted Law "On Local Governments". The Ministry of Education and Science has drafted a progressive programme on education for the future and ensures the leadership in drafting the new law. The Ministry also updates some provisions that were in contradiction with the Law "On Local Governments".

194. The Ministry has developed a Youth Plan of Action which stresses that State support for youth activities is essential, particularly during the period of socio-economic transition. The Plan of Action aims to develop policies to promote the rights of children and youth, to effectively apply resources in order to develop everyone's personal traits and needs and participation in society, to hinder social alienation and to promote conditions for the improvement of stability within the family.

195. Financial resources for educational institutions in Latvia are provided by the State and local government budgets, with the assistance of private individuals and companies and foreign aid.

Educational system

196. The Educational Law provides for rights and obligations of the State and a person in the field of education as well as states that all residents of Latvia have equal right to education and any discrimination on the basis of race, nationality, general, political or religious affiliation is prohibited. The Law establishes the following system of education:

- Pre-school education;
- Primary education;
- General secondary education or professional and vocational education;
- Higher education (universities).

197. Primary education includes grades from 1 to 8 or until a child has reached the age of 15, and it is compulsory. Secondary education in Latvia is not compulsory, but children are also provided with the possibility to gain a vocational education following primary school. The Law "On Institutions for higher Education" states that every citizen or permanent resident of Latvia has the right to study in an institution of higher education. Scholarships provided by the State can be requested and granted for only one degree.

198. The number of accredited private schools is growing and provides parents a better opportunity to choose the most appropriate school for their child. Professional or vocational education is available through 124 State vocational schools and the education is free of charge. Persons studying at these schools have a right to receive financial support from the State. Additional assistance is provided to

orphans or children without parents/guardians. Anyone can receive information on employment opportunities from the Vocational Information Centre.

199. Persons who are over 15 years of age and have not completed their primary or secondary education may do so by attending evening school or through correspondence courses. In the school year 1997/98 there were 36 evening schools.

200. Particular attention is paid to the education of disabled children. A child is placed in a special education programme based on the decision of the Medical Pedagogical Committee of the local government. Parents have the right to choose what type of school they would like their child to attend. Specialised schools are also free of charge and are financed by the State from targeted subsidies.

201. The Law "On Local Governments" places responsibility with local governments for gathering information on the number of schoolchildren in their territory and to provide suitable conditions for receiving primary and secondary education, including proper facilities.

202. The number of children who do not attend compulsory primary school is increasing. There are children who have enrolled at school only at the age of nine or ten. According to data provided by the State Education Inspection, as at September 1997 1,311 children in the age group 7 - 15 did not attend primary school.

203. Since 1997 the Children's Rights Protection Centre of the Ministry of Education and Science carries on the campaign, "School is waiting for you". The aim of this campaign is to focus the attention of the society on the need to ensure that all children attend primary schools as well as to establish a database containing information on children of school age. The campaign also attempts to assist local governments in their work to implement government regulations on registration of children.

204. the above-mentioned government regulations instruct local governments to register all children between the ages of 6 and 16. This information is compiled and compared with the information available in the Department of Citizenship and Migration. This information is used to design a functional education network within the territory of the respective local government.

205. Latvia has signed several bilateral cooperation agreements on education, culture and science.

Leisure, recreation and cultural activities

206. the Education Law states the children have the right to attend or participate in extracurricular activities (music, art, sports, youth clubs, etc.) which are part of the whole system of education. Many children also participate in folk groups (song and dance). It is the responsibility of local governments to provide the premises (and their maintenance) for such activities and to maintain or develop public libraries. Extracurricular activities can receive State funding and be sponsored from the private sector. In 1995, 200,000 lats were allocated to support youth sports activities. About one third of all schoolchildren participate in extracurricular activities.

207. Young children have become interested in forming organisations of common interests, learning organisational skills, making friends nationally and internationally and learning foreign languages. The Latvian Youth Board is a member of the National Youth Organisation Committee of the Council of Europe. A great deal of support to youth activities has been provided by foreign embassies in Latvia, the Nordic Information Office, the German-French Youth Friendship union and the Soros Foundation which developed the Education in Transition" programme. Recreational youth camps are organised by the Girl Scouts and Boy Scouts, the Red Cross Youth, the Children's Environmental School and others.

IX. SPECIAL PROTECTION MEASURES

Children in situations of emergency

Refugee children

208. The 1951 Convention on the Status of Refugees and its 1967 Protocol were ratified by the Parliament of Latvia on 19 June 1997. On the same day the Law "On Asylum-Seekers and Refugees in the Republic of Latvia" was adopted. The said law is based on the principles of the Convention and establishes the procedure to be followed in applying for and granting refugee status and defines the rights and obligations of asylum-seekers and refugees.

209. According to the above-mentioned Law, refugee status is granted to a person following an application submitted by the person provided that the person concerned does not fall under any of the exceptions listed in the Law. Upon application, and until a decision on whether or not a person is granted refugee status, the said person is considered to be an asylum-seeker.

210. The Law states that the request for refugee status is applicable to the family members of the person, including children, if they so agree. It also states that a child has the right to submit an application if he/she is not accompanied by parents or guardians. In such cases the Appeal Council for Refugee Matters appoints an independent representative who acts on behalf of the child for his/her best interests.

211. According to the Law, the Refugee Affairs Centre decides whether or not a person is granted refugee status within a period of three months from the day of the registration of the application. In *exceptional* cases this period can be extended to six months. The written decision of the Centre is forwarded to the person concerned and, if the decision has been negative, the person is informed about his/her right to submit an appeal to the Appeal Council for Refugee matters. It is the responsibility of the Centre to ensure that the person concerned can exercise this right and be present during the examination of the case at the Appeal Council.

212. Asylum-seekers have the right to legal assistance during the examination of their applications. The State also guarantees that asylum-seekers receive the necessary medical assistance, the expenses for which are covered by the State.

213. A person who has been granted refugee status has the rights, freedoms and obligations provided for by section 3 of the Constitutional Law "The Rights and Obligations of a Citizen and a Person", which include, *inter alia*, the right to leave Latvia and return, freedom of thought, conscience and religion, freedom of association and peaceful assembly, the right to the protection of privacy, the right to work, education and health care and the right to preserve the native language, culture and traditions. These rights are ensured without any discrimination as to race, nationality, language, political or religious affiliation or social status.

214. The Law provides for State support for persons who have been granted refugee status. If a person does not have any other sources of income, the State gives financial assistance to cover living and accommodation expenses as well as the fees of the courses of Latvian language. The person is entitled to such assistance for a period of 12 months.

215. The Law "On Asylum-seekers and Refuges" does not specifically address the rights and freedoms of refugee children, but the rights and freedoms provided for by the Law apply to all persons, adults as well as children. Moreover, these rights and freedoms are further guaranteed by other legal acts such as the Constitutional Law and the law "On the Protection of the Rights of the Child".

216. According to the information from the Refugee Affairs Centre within the Ministry of Interior, since the adoption of the Law there have been 21 applications. There were 16 children among the persons who have applied for refugee status. However, all of them were members of the families of the persons submitting the applications and there were no cases of a child him/herself applying for refugee status. As of today, one person has been granted refugee status.

Children in armed conflicts, including physical and psychological recovery and social integration

217. Latvia has ratified the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, the 1977 Protocols Additional to the Geneva Conventions. The Conventions and Protocols entered into force for Latvia on 24 June 1992.

218. According to the existing legislation a citizen must be at least 18 years of age to join the army and 19 to be called for military service.

219. The Government wishes to emphasise that there have not been armed conflicts within the territory of Latvia since the Second World War and there is therefore no practice on the application of the Convention with regard to the measures to be taken in order to ensure the protection of children in armed conflicts and their recovery and reintegration.

Children in conflict with the law

The administration of juvenile justice

220. The Criminal Procedure Code and the Criminal Code establish the principles and procedure to be followed during investigation and trial of criminal cases. The Criminal Code states that criminal charges may be brought only against persons who have attained 16 years of age. An exception exists if a serious crime has been committed - then criminal responsibility is possible from the age of 14.

221. Existing legislation contains guarantees for just, public review of every case by a competent, independent and impartial court formed in accordance with the law. Both the Constitutional law and the Criminal Procedure Code state that each person is presumed innocent as long as his/her guilt is not proven in court. Only the court may find a person guilty of a crime in accordance with the laws in effect at the time of the offence.

222. Every person who has been accused of committing a crime must be informed of the charges against him/her. Upon the moment of detention every person has the right to legal assistance. The Criminal Procedure Code states that the presence of the attorney is compulsory in all cases where the accused person is a child and it is the responsibility of the court and its officials to guarantee the participation of the attorney. The Code further states that if a child is the accused, neither he/she nor the parents or legal guardians have the right to refuse the assistance of the attorney.

223. Under the legislation in force, every person has the right not to testify against him/herself and his/her family members. The child gives evidences in the presence of the attorney and, if necessary, in the presence of pedagogue or psychologist. It is the responsibility of the court officials to decide on the presence of the parents or guardians of the child taking into account the circumstances of the case. The Criminal Code envisages criminal responsibility for compelling someone to give evidences.

Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings

224. Any restriction of a person's freedom is permissible only in accordance with the procedure set by law. Within 72 hours from a person's detention the judge must issue a court order to sanction the

person's detention and further deprivation of liberty until the trial (arrest) or order the immediate release of the person. Each person is guaranteed the right to an attorney upon the moment of his/her detention.

225. The permissible period of pre-trial detention of a minor is two months. In exceptional cases and only if a child is accused of a serious crime, the judge may extend this period up to six months. Further prolongation of the detention is prohibited.

226. Children sentenced to imprisonment are kept separately from adults; women and men are kept separately as well. Children serve their sentences in correction facilities for minors notwithstanding the severity of the sentence. According to the existing legislation, children in imprisonment have the right to 12 meetings a year with their parents/guardians and relatives and the right to receive 12 parcels a year. Imprisoned children receive clothing and food free of charge. Children also have the right to leave the premises of the facility for up to 10 days a year with the permission of the administration of the facility. It is permitted to leave the facility for up to 5 days upon the death or serious illness of a close relative. The period of time spent outside the facility is not added to the period of the deprivation of liberty but counts as a part of it.

227. Children have the opportunity to continue general and vocational education while they are deprived of liberty. There are no restriction on purchase of books, stationery and newspapers. The employment of imprisoned children is subject to the general principles of child employment as provided for by the Labour Code.

228. Upon the attainment of 18 years of age a child is transferred to the facilities for adults. However, the Administrative Commission of the correction facility may decide that it is in the interests of the child (e.g., it is necessary to complete education) to remain in the correction facility for minors but not for longer than until the attainment of 21 years of age.

229. A child who has committed a crime and for this reason must be isolated from society but who has not attained the age of criminal responsibility, in accordance with the Law "On Educational Enforcement Measures for Children" and upon the decision of the court may be placed in the juvenile educational facility provided that the child is at least 11 years of age. It is the responsibility of the local school board to make all necessary arrangements for placement of a child in the educational facility, and all expenses are covered by the parents or guardians of the child. However, if the child is from a low-income family, the expenses are covered by the local government.

<u>The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment</u>

230. The Constitutional Law "The Rights and Obligations of a Citizen and a Person" prohibits torture or other cruel, inhuman or degrading treatment or punishment. The Criminal Code envisaged criminal responsibility for inflicting bodily harm and this crime is considered as committed in aggravating circumstances if a victim was a child.

231. Under the Criminal Code, it is prohibited to impose capital punishment for crimes committed by persons below the age of 18. The Code further states that the deprivation of liberty as a punishment for crimes committed by children must not exceed 10 years.

232. According to the information of the Ministry of Interior, in 1997 there were 3,634 crimes where children were the suspects (in 1996 - 3,025 and 2,025 in the first half of 1998), which is 20% of all crimes registered in Latvia; 66.8% of the crimes committed by children were serious crimes (murder, robbery). In 1997 1,678 children were found guilty of committing a crime (in 1996 1,238 children were convicted).

Children in situations of exploitation, including physical and psychological recovery and social integration

Economic exploitation, including child labour

233. Under the Labour Code, children under the age of 15 cannot be employed in a full-time position. A child having attained 13 years of age may be employed during his/her free time at an easy job not harmful to his/her health. In such cases the consent of the parents or guardians and a medical examination are necessary.

234. For all children the Labour Code guarantees a shortened working week: for children 16 - 18 the working week must not exceed 35 hours; for children up to 16 it is 24 hours. Moreover, persons under the age of 18 cannot be employed during night hours and public holidays.

235. The Law "On Labour Protection", which is applicable also to children, determines that children cannot be employed in hard jobs with conditions harmful and dangerous for the health or development of a young person. To implement the above-mentioned Law as well as the relevant provisions of the Labour Code, the Government has adopted several regulations which list the jobs where children cannot be employed and established restrictions on manual labour. Employed children are entitled to payment not lower that the established minimum and to one month of paid annual holidays.

236. The Criminal Code foresees criminal responsibility for violation of the provisions of the Labour Code and the laws concerning safety of employment. As stated before in this report, any crime the victim of which was a child, is considered as committed in aggravating circumstances.

237. The Government wishes to emphasise that exploitation of child labour is not a characteristic feature of the Latvian society. The issue that is becoming increasingly important concerns child beggars and research implies that about 15% of those children were forced by their parents. These children can be placed in children's shelters and it is the responsibility of the local government to decide on the measures to assist the child and his/her family (e.g., if the child is from a low-income family, the local government provides social assistance to the family in the form of financial support).

Drug abuse

238. Under the Criminal Code persons are criminally responsible for organising drug-use places and the holding of narcotic drugs, envisaging more strict responsibility for encouraging minors to use narcotic drugs.

239. In 1996 the Cabinet of Ministers established the Commission for Coordination of Narcotics Control and Drug Abuse Abatement. This Commission is answerable to the Cabinet of Ministers and its task is to coordinate the activities of all relevant institutions, including ministries, local governments and NGOs, in the control over legal and illicit circulation of narcotic and psychotropic substances, precursors, as well as in drug abuse prevention and abatement.

240. The Youth movement "For Life Free from Alcohol and Narcotics", the organisations "Parents Against Narcotics", "Day-Top" and other NGOs promote a healthy life-style and inform children about intoxicating substances and their harmful effects as well as promote recovery and social reintegration of drug-dependent persons.

241. For more than three years a children's commune, "Saulriti", exists as a rehabilitation facility within the Straupe narcological hospital. The commune has a school where comprehensive subjects are taught.

Sexual exploitation and sexual abuse

242. Under the Criminal Code, it is prohibited to have sexual intercourse and other sexual relations with a child under the age of 16. Article 121 of the Criminal Code envisages criminal responsibility for rape, article 121^1 for satisfaction of sexual needs in perverse forms, article 124 for forced homosexual intercourse. If the victim of these crimes was a child, the Criminal Code foresees more severe sentences. Article 123 provides sanctions for inducement and coercion to engage in unlawful sexual activities of a person under the age of 16. Article 209 foresees criminal responsibility for exploitative use of children in pornographic materials.

243. In order to ensure the implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, in 1997 the Criminal Code was amended and articles 209^2 and 209^3 establishing criminal responsibility for inducement of children in prostitution and exploitative use of children in prostitution were added. There were 3 cases falling under these articles before the court in 1997.

244. According to the information of the Ministry of Interior, in the first eight months of 1998 there were 34 cases of rape reported to the police where the victims were children (51 cases in 1997 and 48 cases in 1996), usually girls 14 - 15 years of age. The second biggest group of crimes is satisfaction of sexual needs in perverse forms - 35 cases in the first eight months of 1998 (69 cases in 1997 and 48 cases in 1996). There were 34 reported crimes falling under articles 123 and 124 of the Criminal Code (35 cases in 1997 and 20 cases in 1996) and 24 cases of reported sexual intercourse with persons under the age of 16 (8 in 1997 and 16 in 1996).

Children belonging to a minority or an indigenous group

245. The Constitutional Law "The rights and Obligations of a Citizen and a Person" establishes the guarantees for the protection of the basic rights of all permanent residents of Latvia. The Law emphasises that it is the responsibility of every person to respect the customs and traditions of national and ethnic groups living in Latvia, as well as to respect the national pride of other persons. The Constitutional Law also ensures the right of everybody to choose freely his/her religious faith and to practise it.

246. The Law "On the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups" establishes the principle of equal treatment and non-discrimination of all residents of Latvia. It guarantees individual choice of national affiliation, the right to establish national organisations and State support for such organisations, the right to have contact with kin States, State support for the development of the education, language and culture of the national and ethnic groups. Several agreements have been concluded between Latvia and kin States of some ethnic minorities. The most effective cooperation of this kind is with Poland, Lithuania and Estonia.

247. The Ministry of Education and Science developed a conceptual framework for ethnic minorities' education in 1995. This concept, which was developed in accordance with the Education Law, provides the possibility to establish national minority schools with the native language or Latvian as the language of instruction. It also ensures State and local government support for minority schools. The goal of minority education is to provide assistance for persons to integrate into the political, economic and cultural life of Latvia, while retaining their ethnic awareness, language and culture. The educational levels of minority schools correspond to the levels of education set by the Education Law (primary and secondary general education).

248. The parents of children belonging to minorities have the right to choose an educational establishment with any language of instruction, if the language skills of the child are sufficient. Latvia has ensured the possibility to obtain State-financed primary and secondary education in

8 minority languages. There are 199 Russian, 6 Polish, 1 Jewish, 1 Lithuanian, 1 Estonian and 1 Ukrainian school, as well as classes for Belorussians and Roma (Gypsies).

249. Currently the language of instruction in minority schools usually is Latvian or Russian (except for subjects of ethnic culture). State standards of education in separate subjects are the same for schools with Latvian as language of instruction and for minority schools. In subjects of ethnic culture (usually these are history, geography, native language and literature) the educational standards are not confirmed by the Ministry of Education and Science, but are elaborated in cooperation with the minority kin State in order to promote awareness of its culture and traditions. Every year the Ministry of Education and Science prepares a model plan for the primary and secondary school curricula, which establishes the proportion of classes to be held in the native language, depending on the level of education.

250. Minority schools use the textbooks published in Latvia and, for the subjects of ethnic culture, textbooks published in their kin States. At the request of minority schools several textbooks, study materials and workbooks have been translated from Latvian.

251. Besides primary and secondary schools there are "Sunday schools" which are organised by the minority culture societies; at present there are more than 20 ethnic cultural societies. In those schools during holidays children and their parents have the opportunity to improve their knowledge of the native language, as well as to take part in hobby groups and in activities related to their kin States.

252. The government of Latvia, in cooperation with UNDP, has developed the National Programme for Latvian Language Training. The Programme, which has been in operation since December 1996, is designed to promote Latvian language teaching among non-Latvians as well as to promote equal study and employment opportunities. The project envisages a gradual increase in the number of subjects taught in Latvian in minority schools. The Programme envisages teaching Latvian to 180,000 schoolchildren over a period of 10 years.

253. There were 751 pre-school educational institutions in 1997. To ensure the education of pre-school-age children in their native language, the following institutions were established: 483 pre-school institutions with Latvian as the language of instruction; 136 with Russian as the language of instruction; 130 bilingual (Latvian - Russian) pre-schools; 2 with Polish as language of instruction, 4 groups with Lithuanian-language instruction; 2 groups for Jewish children. The Latvian language is also taught in the pre-school educational institutions with languages of instructions other than Latvian.

254. Vocational education in Latvia can be obtained in Latvian and Russian. Out of the total number of students, 65% study in Latvian and 35% in Russian.

255. Higher education can be obtained in the State language - Latvian. out of the total number of university students, 86.3% study in Latvian, 12.6% study in Russian, 0.9% in English and 0.04% in German. In the private higher educational institutions, out of the total number 66.1% have Russian as the language of instruction.